



CANNON BUILDING
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STATE OF DELAWARE
DEPARTMENT OF STATE

DIVISION OF PROFESSIONAL REGULATION

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PUBLIC MEETING MINUTES:	BOARD OF ARCHITECTS
MEETING DATE AND TIME:	Wednesday, January 4, 2012 at 1:30 p.m.
PLACE:	861 Silver Lake Blvd., Conference Room B, Second floor, Dover, Delaware
MINUTES APPROVED:	February 1, 2012

MEMBERS PRESENT

Kenneth Freemark, RA, Professional Member, President
Joseph Schorah, Public Member, Secretary
John Mateyko, RA, Professional Member
Peter H. Jennings, RA, Professional Member
Richard Wertz, RA, Professional Member
Elizabeth Happoldt, Public Member
Brian Lewis, Public Member
Prameela Kaza, Public Member

DIVISION STAFF/DEPUTY ATTORNEY GENERAL

Andrew Kerber, Deputy Attorney General
Nicole M. Williams, Administrative Specialist II

ABSENT

Kevin Wilson, RA, Professional Member

OTHERS PRESENT

Nancy Payne, AIA Delaware

Call to Order

Mr. Freemark called the meeting to order at 1:34 p.m. Mr. Freemark stated for the record the time for today's meeting had changed back to 1:30 p.m. instead of 1 p.m. as the two hearings that were originally scheduled for today were continued until the February meeting. The February meeting will commence at 1:00 p.m. instead of 1:30 p.m.

Review and Approval of Minutes

The Board reviewed the minutes of the December 7, 2011 meeting. Mr. Jennings made a motion to accept the minutes as submitted, seconded by Mr. Wertz. Motion carried unanimously.

Disciplinary Hearings

Mr. Freemark advised that both hearings for Ms. Cheryl Payne and Mr. Tim Tenerovich have been postponed until the February meeting. The Board deferred to agenda item 4.1.3 as Mr. Wertz inquired about case 7-10-10 in which the respondent attended the last meeting and requested to have a hearing as soon as possible. Mr. Kerber advised that he just received a copy of the complaint that has been filed by the prosecutor which will be brought before the Board for a hearing. Mr. Freemark advised that this complaint may be long and proposed to postpone until March. Mr. Kerber advised to reschedule one of the other complaints, possibly Mr. Tenerovich, until March and add this complaint to be heard for February. The Board decided to have all three hearings in February pending the availability of the prosecuting attorney. Ms. Williams will confirm with everyone for the February date to schedule the hearing for complaint 07-10-10.

Unfinished Business

Status of Complaints

07-04-10 – Review of Consent Agreement – The Board reviewed and discussed this consent agreement. Mr. Lewis stated that he was not in agreement with the prosecuting attorney's recommendation and inquired if a fine could be imposed in addition to the cease and desist. Mr. Kerber offered a resolution to the matter as to the attorney's recommendations and that if the Board objects to the agreement the attorney general's office could dismiss the matter entirely. Mr. Jennings stated that the purpose of a cease and desist in this matter and agreed with the recommendation of the consent agreement. Mr. Mateyko stated that he does not accept that another board, venue or court could look the other way on this matter as this board has a different protocol although he does understand that due to certain situations this type of recommendation would suffice. Mr. Kerber stated that he will take the matter back to the prosecuting attorney and request to include a fine in addition to the cease and desist. The Board further discussed. Mr. Freemark made a motion to include in the consent agreement a fine of three to five hundred dollars, seconded by Ms. Kaza. Motion carried unanimously. Mr. Schorah recommended adding a statement from the statute about the fines incurred for continued violation. Mr. Kerber will request the prosecuting attorney to include that information to the consent agreement as well. The Board will review the consent agreement again at the February meeting.

07-06-10 – Dismissed by the Deputy Attorney General - Mr. Freemark stated that the complaint was dismissed by the attorney general's office as they could not find sufficient evidence egregious enough to prove a violation of the statute occurred.

07-10-10 – The Board agreed to set the date of the hearing for February 1st at 1:00 p.m.

Tabled Application to sit for the ARE exam for Oscar Enderica (Review of Degree)

Mr. Jennings reviewed the application and stated that Mr. Enderica's education was evaluated by the Educational Evaluation Services for Architects (EESA) for his degree received in Ecuador and that he was only missing a few courses related to English language but was later approved by NCARB as being an NAAB degree. Mr. Jennings made a motion to approve Mr. Enderica to sit for the ARE exam, seconded by Ms. Kaza. Motion carried unanimously.

New Business

Review of Certificate of Authorization Applications

Mr. Schorah made a motion to ratify the two certificates of authorizations issued to Greenfield Architects and Ford & Associates Architects, seconded by Mr. Wilson. Motion carried unanimously.

Review of Applications to sit for the ARE exam

Bryan Tucker-BA from Drexel University – Mr. Jennings stated that Mr. Tucker's application and degree is in order as he has completed the IDP program. Mr. Jennings made a motion to approve Mr. Tucker to sit for the ARE exam, seconded by Ms. Kaza. Motion carried unanimously.

Review of Reciprocity Applications – NCARB Certificate – Ratify Listing

Jonathan Chamberlain
Don Dacumos
Richard Woods
Robert King
Michael Shue
Richard Harris
Richard Radcliffe
Gary Kliesch (reapplication by NCARB)

Mr. Jennings made a motion, seconded by Ms. Kaza to ratify the above listing of approved NCARB certified architects. Motion carried unanimously.

Review of Correspondence from 2011 Non-Compliant Audits

Mr. Freemark advised the Board to review the written letters of response from those that were audited and did not comply. The Board reviewed the letters for:

George Badger – Mr. Badger requested to relinquish his license in lieu of having a hearing or paying a penalty. The Board agreed that they will not accept his request and that he either has to pay the \$1,500 penalty and provide the required amount of continuing education credits or appear before the Board for a hearing. Ms. Kaza made a motion to reject Mr. Badger's request and send him a letter to request a hearing or pay the penalty and submit the continuing education, seconded by Mr. Jennings. Motion carried unanimously.

Brian Olsen – The Board discussed Mr. Olsen's letter and agreed to decrease the penalty. Mr. Mateyko made a motion to reduce the penalty for Mr. Olsen to \$300 and accept the completed additional continuing education credits, seconded by Ms. Happoldt. Motion carried unanimously.

Peter Lazor – The Board reviewed Mr. Lazor's letter of request. Mr. Mateyko made a motion to impose the full \$1,500 penalty and to provide the continuing education credits needed or have a hearing before the Board, seconded by Ms. Happoldt. Motion carried unanimously.

Perry Willis – The Board reviewed Mr. Willis's letter of request. Mr. Willis requested an extension to complete the required continuing education until 1/30/12. The Board agreed to impose the full \$1,500 penalty and that he must provide the required continuing education credits or have a hearing before the Board. Mr. Jennings made a motion to impose the \$1,500 penalty and provide documentation of the required continuing education credits needed or have a hearing, seconded by Ms. Kaza. Motion carried unanimously.

George Wilford – The Board reviewed the Mr. Wilford's letter of request. Mr. Wilford requested to waive the penalty and have the Board accept the additional credits he completed after the renewal date to comply to the audit. Mr. Schorah stated to reduce the penalty since he did complete the continuing education to comply with the audit. The Board agreed to reduce the penalty. Mr. Wertz made a motion to reduce the penalty to \$750 and accepted the completed continuing education to complete the audit but those credits cannot be used towards the next renewal, seconded by Ms. Kaza. Motion carried unanimously.

Francis Fox – The Board reviewed Mr. Fox's letter of request. Based on Mr. Fox's due diligence to complete the deficient continuing education credits before the end of December 2011, they decided to reduce the penalty. Ms. Kaza made a motion to reduce the penalty to \$750 and accept the completed continuing education credits to complete the audit but those credits cannot be used towards the next renewal, seconded by Mr. Lewis. Motion carried unanimously.

Mr. Schorah made a motion to add Mr. Michael Ryan's letter to the agenda, seconded by Ms. Happoldt. Motion carried unanimously. The Board reviewed Mr. Ryan's letter. Ms. Kaza made a motion to decrease the penalty to \$750 and accept the completed continuing education credits to complete the audit but those credits cannot be used towards the next renewal, seconded by Mr. Wert. Motion carried unanimously.

Other Business Before the Board (for discussion only)

Mr. Jennings requested that the Board to consider working with NCARB for direct registration or with the direct eligibility program when applying to DE for registration. Mr. Jennings stated that he would like to discuss with some of the other surrounding states like PA and DC as to why they have decided to go this route and those like MD and NJ that decided not go those routes. The Board will look into this matter and discuss again once information is obtained.

Mr. Jennings inquired about the status of noticing the rules and regulations for a public hearing. Mr. Kerber stated that he will have the regulations published for February 1st in the Registrar of Regulations and Ms. Williams will notice the regulations for a public hearing for the March meeting to provide the proper notice according to the Administrative Procedures Act. Ms. Williams will publish the notice for the rules and regulations hearing in the Delaware State News and the News Journal for the second week of February. There was no further discussion by the Board

Public Comment

There was no public comment.

Next Scheduled Meeting

The next meeting will be held on February 1, 2012 at 1:00 p.m. in Conference Room B, second floor of the Cannon Building, 861 Silver Lake Boulevard, Dover, Delaware.

Adjournment

With no further business before the board, Mr. Schorah made a motion to adjourn the meeting, seconded by Mr. Lewis. The motion carried unanimously. The meeting adjourned at 2:47 p.m.

Respectfully submitted,



Nicole M. Williams
Administrative Specialist II